

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 201809502	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/07/2018 4:09 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 5/7/2020	EO SOL 12/22/2020	
Date/Time CV Reported Wed, 11/07/2018 4:52 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/14/2018 11:02 AM		

  

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

  

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

  

Subject Officer(s)	Shield	TaxID	Command
1. LT Matthew Harrison	00000	930323	120 PCT
2. An officer			120 PCT

  

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Pinez	08445	957958	120 PCT
2. SGT Alexander Bustamante	03890	950133	120 PCT

  

Officer(s)	Allegation	Investigator Recommendation
A.LT Matthew Harrison	Force: Lieutenant Matthew Harrison used physical force against § 87(2)(b)	§ 87(2)(b)
B. An officer	Abuse: An officer stopped § 87(2)(b)	§ 87(2)(b)
C. An officer	Abuse: An officer frisked § 87(2)(b)	§ 87(2)(b)

### Case Summary

On November 7, 2018, § 87(2)(b) filed this complaint with IAB by phone on behalf of his cousin, § 87(2)(b) witnessed this incident.

On November 7, 2018, at approximately 4:09 p.m., § 87(2)(b) and § 87(2)(b) were in the lobby of § 87(2)(b) in Staten Island. Lt. Matthew Harrison of the 120<sup>th</sup> Precinct allegedly used physical force against § 87(2)(b) (**Allegation A – Force**, § 87(2)(g)). An officer allegedly stopped § 87(2)(b) (**Allegation B – Abuse of Authority**, § 87(2)(g)). An officer allegedly frisked § 87(2)(b) (**Allegation C – Abuse of Authority**, § 87(2)(g)).

Cell phone video captured a portion of the incident. The NYPD did not release body worn camera video of the incident to the CCRB.

Neither § 87(2)(b) nor § 87(2)(b) was arrested or summonsed as a result of this incident.

### Findings and Recommendations

**Allegation A – Force: Lieutenant Matthew Harrison used physical force against § 87(2)(b)**

**Allegation B – Abuse of Authority: An officer stopped § 87(2)(b)**

**Allegation C – Abuse of Authority: An officer frisked § 87(2)(b)**

§ 87(2)(b) stated that he and § 87(2)(b) left § 87(2)(b)'s apartment to catch a cab (BR01). § 87(2)(b) and § 87(2)(b) encountered and greeted a group of individuals in the lobby of the building. § 87(2)(b) could not provide any identifying information for these individuals. § 87(2)(b) denied that he or anyone was smoking marijuana. § 87(2)(b) started running to the front door because he observed his cab outside. As § 87(2)(b) approached the main entrance he observed Lt. Harrison approaching the building from the outside. Lt. Harrison got to the door before § 87(2)(b) and abruptly pushed the door open. The door struck § 87(2)(b)'s face and caused a laceration above his eye which required stitches to treat. An officer, § 87(2)(b) did not know who, guided § 87(2)(b) against a wall and asked § 87(2)(b) “What you got?” An officer patted down § 87(2)(b) did not remember anything else that happened during the incident because he became dizzy and disoriented after being hit with the door.

Medical records were obtained from § 87(2)(b) where § 87(2)(b) sought treatment about an hour after the incident. (BR02). The Ambulance Prehospital Care Report reflects that § 87(2)(b) told medical personnel that an officer pushed him into a wall. The medical records from the hospital show § 87(2)(b) told medical personnel that an officer pushed his head into a wall. § 87(2)(b) received eight stitches to treat the laceration above his eye.

A brief phone statement was obtained from § 87(2)(b) (BR03). § 87(2)(b) said that he and § 87(2)(b) left the building, noticed their cab had not arrived yet, and went back inside to wait in the lobby. Three uniformed officers entered the building from the front and side entrances. Without saying anything, an officer walked up to § 87(2)(b) and pushed him in the back which caused § 87(2)(b)'s face to hit a metal door. Officers did not ask § 87(2)(b) any questions and did touch him again. § 87(2)(b) was uncooperative with providing a sworn statement (See

Investigation Actions for contact attempts). When § 87(2)(b) initially filed this complaint, he told IAB that § 87(2)(b) was pushed into a door by officers, was not searched, and that the officers did not do anything else to § 87(2)(b) besides push him (BR04-05).

§ 87(2)(b) was identified as a witness who was summonsed for § 87(2)(b) as a result of this incident (BR06). § 87(2)(b) was ultimately unavailable to the investigation (see Investigative Actions for contact attempts).

The NYPD would not release body worn camera video of the incident to the CCRB without an unsealing order because § 87(2)(b) was a juvenile at the time of this incident (BR07).

§ 87(2)(b) provided a cell phone video of this incident recorded by an unknown individual (BR08-09). The video begins after § 87(2)(b) was injured and does not capture any FADO allegations. The video shows § 87(2)(b) dripping blood from his face, officers urging § 87(2)(b) to obtain medical treatment, and § 87(2)(b) refusing to do so.

Lt. Harrison testified he was on patrol and observed a large group of people inside § 87(2)(b) § 87(2)(b) (BR17). Lt. Harrison and his partners entered the building through a side entrance. Upon entering the lobby, Lt. Harrison observed § 87(2)(b) smoking a marijuana cigarette. § 87(2)(b) looked at Lt. Harrison. At the sight of Lt. Harrison, § 87(2)(b) ran away toward the main entrance and ran straight into the door. No officer used any force against § 87(2)(b) and nobody, officer or civilian, opened the door to hit § 87(2)(b). § 87(2)(b) sustained his injuries as a result of his own flight. Except for § 87(2)(b) no other civilian was stopped, frisked, or under suspicion of having committed any offense. Lt. Harrison reviewed his body worn camera footage after the incident and said the video shows that § 87(2)(b) tossed a cigarette before running away. However, Lt. Harrison did not see this when he entered the lobby.

An Investigating Supervisor's Assessment Report was prepared by Captain Yaser Salim of the 120<sup>th</sup> Precinct (BR10). Cpt. Salim reported that he informally interviewed the officers involved in this incident and obtained an account that was consistent with what Lt. Harrison reported to the CCRB, as described above. Cpt. Salim reported that he reviewed the officers' body worn camera and that the contents of the video footage were consistent with the officers' statements and showed that no force was used against § 87(2)(b). Cpt. Salim recommended the case be closed and no further action be taken.

IAB Log #2018-44405 and the associated IAB Command Center recordings reveal the following (BR11-12). Lt. Jeremy Pohl, the 120<sup>th</sup> Precinct Patrol Supervisor, told IAB that § 87(2)(b) alleged that officers threw him against a wall. The IAB log reflects that Det. Maria Menisrandazzo of IAB reviewed the body worn camera footage and confirmed it corresponded with the information provided by Cpt. Salim.

Given that § 87(2)(b) could not describe which officer allegedly stopped and frisked him, allegations B-C are pled against "An officer."

§ 87(2)(g)  
§ 87(2)(b) said he was struck with a door and § 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) and § 87(2)(b) are parties (BR13).

### **Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- As of April 15, 2019, the NYC Office of the Comptroller has no record of a Notice of Claim having been filed regarding this incident (BR14).
- According to the Office of Court Administration (OCA), as of April 25, 2019, § 87(2)(b) has no history of convictions in NYC (BR15).
- § 87(2)(b)

Squad No.: 13

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------